

ZONING CHANGE REVIEW SHEET

CASE: C14-2012-0044.SH
Chicon Corridor Phase 2

P.C. DATE: July 10, 2012

ADDRESS: 1301 & 1301 ½ Chicon Street

AREA: 0.179 acres

OWNER/AGENT: Chestnut Neighborhood Revitalization Corporation (CNRC)
(Sarah Andre)

FROM: Limited Retail-Neighborhood Plan (LR-NP)

TO: Limited Retail-Mixed Use-Neighborhood Plan (LR-MU-NP)

AREA STUDY: N/A

TIA: Is not required

WATERSHED: Boggy Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD PLAN AREA: Chestnut

SUMMARY STAFF RECOMMENDATION:

The staff recommendation is to grant rezoning from Limited Retail-Neighborhood Plan (LR-NP) to Limited Retail-Mixed Use-Conditional Overlay-Neighborhood Plan (LR-MU-CO-NP) combining district. The conditional overlay would prohibit service station and drive-through services as an accessory use to a restaurant. The applicant and neighborhood support the recommended conditions.

PLANNING COMMISSION RECOMMENDATION:

July 10, 2012: *TO GRANT LR-MU-CO-NP AS RECOMMENDED BY STAFF. MOTION BY CHIMENTI, 2ND BY HERNANDEZ. (7-0-2)(ANDERSON, STEVENS ABSENT).*

DEPARTMENT COMMENTS:

The subject property is located at the northeast corner of the intersection of E. 13th Street and Chicon Street, and is zoned limited retail-neighborhood plan (LR-NP). The subject property is addressed as both 1301 and 1301 ½ Chicon Street. 1301 Chicon Street is located at the intersection, and is occupied by a vacant house that previously was a beauty shop/barber shop and a residence. 1301 ½ Chicon Street is occupied by a vacant single family house. A demolition permit for both structures was filed June 5, 2012, and is pending City approval.

Immediately north of the subject property is 1305 Chicon Street, which is occupied by a slab from a previously demolished structure. This property is zoned general commercial services-mixed use-vertical mixed use-conditional overlay-neighborhood plan (CS-MU-V-CO-NP). This lot is owned by CNRC, and is proposed to be part of the overall Chicon Corridor development. Further north is an alley and a vacant lot zoned general retail services-mixed

use-vertical mixed use-conditional overlay-neighborhood plan (GR-MU-V-CO-NP). This lot is proposed to be part of the overall Chicon Corridor development, as well.

To the east, northeast, and southeast of the subject property are lots zoned family residence-neighborhood plan (SF-3-NP) and occupied with residences. To the south, across 13th Street, are properties zoned general commercial services-mixed use-vertical mixed use-conditional overlay-neighborhood plan (CS-MU-V-CO-NP). Directly across the street are an auto repair shop and a vacant lot. To the west of the subject property are lots zoned family residence-neighborhood plan (SF-3-NP) and occupied with residences. To the southwest is Chicon Corridor Phase 1, which was rezoned from CS-NP to CS-MU-CO-NP in April 2012. The Phase 1 site is currently vacant. Please refer to Exhibits A (Zoning Map) and B (Aerial Map).

This rezoning application is part of a phased CNRC project that is cumulatively known as the Chicon Corridor Mixed Use Project. The Chicon Corridor Mixed Use Project proposes mixed use buildings with ground level commercial (office/retail) and residential development. The overall project includes the Phase 1 property on the west side of Chicon Street as well as properties located on the east side of Chicon Street, including the current zoning application.

CNRC has received letters of support for the Chicon Corridor Mixed Use Project from the Chestnut neighborhood planning contact team as well as four other nearby neighborhood groups. Please refer to Exhibits C through G (Chestnut, Rosewood, OCEAN, Davis-Thompson, and Kealing Letters). These letters also identify land uses that the zoning applicant and neighborhood groups agreed would not be appropriate for the Chicon Corridor Mixed Use Project, and the land uses were prohibited from the Corridor Phase 1 parcel, in April 2012. Since the majority of the land uses are already prohibited in LR zoning, only one land use from that list remains: service station. The applicant agrees to prohibit this land use from the subject property.

The subject tract development is planned to provide mixed use commercial/retail and mixed-income residential. For the overall project, CNRC has obtained SMART Housing Certification for a proposed development of 33 residential units with 100% of the units serving households at or below 60% median family income. Please refer to Exhibit H (SMART Housing Certification).

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LR-NP	Vacant
<i>North</i>	CS-MU-V-CO-NP	Vacant
<i>South</i>	CS-MU-V-CO-NP	Automotive repair
<i>East</i>	SF-3-NP	Residential
<i>West</i>	SF-3-NP	Residential

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2011-0149.SH	CS-MU-CO-NP	3/13/2012: Recommended (7-0-2)	4/5/2012: Ord. 20120405-072
C14-2009-0106	CS-MU-NCCD-NP to CS-MU-V-NCCD-NP	VMU Opt In/Out Process, Rosewood Neighborhood. 3/9/2010: (7-0)	3/25/2010: Ord. 20100325-062
C14-2009-0054	CS-MU-CO-NP to CS- MU-V-CO-NP	VMU Opt In/Out Process, Chestnut Neighborhood. 6/9/2009: (5-0)	7/23/2009: Ord. 20090723-124
C14-2007-0136	LR-NP to GR-MU-CO- NP	1/15/2008: Recommended (7-0)	1/31/2008: 1 st reading, (7-0); 2/14/2008: Ord. 20080214-083
C14-06-0209	GR-NP, CS-NP, CS-1- NP to CS-MU-NCCD- CO-NP, CS-1-MU- NCCD-CO-NP	Zoning by COA for properties missed by orig. NCCD case. 6/24/2007: (8-0)	1/17/2008: 1 st reading, (7-0); 2/28/2008: Ord. 20080228-087
C14-06-0163	SF-3-NP to LO-MU- CO-NP	10/24/2006: (8-0)	11/30/2006: 1 st reading, (7-0); 12/7/2007: Ord. 20061207-032
C14-01-0148	CS to CS-NP	10/4/2001: (6-0)	12/6/2001: 1 st reading, (7-0); 12/13/2001: Ord. 011213-42

RELATED CASES: A modification to the Chestnut neighborhood plan / future land use map (FLUM) is being processed concurrently with this rezoning application (NPA-2012-0003.01.SH).

ABUTTING STREETS:

Name	ROW	Pavement	Class	Sidewalk	Bus Route	Bike Route
E. 13 th Street	50'-80'	27'-30'	Collector	Yes	#6, #320	No
Chicon Street	50'	27'	Minor Arterial	Yes	#6, #320	Wide Curb Lane

NEIGHBORHOOD ORGANIZATIONS:

Austin Neighborhoods Council
 PODER
 Chestnut Addition Neighborhood Association
 Del Valle Community Coalition
 Davis-Thompson
 Chestnut Neighborhood Revitalization Corporation

Austin Heritage Tree Foundation
Chestnut Neighborhood Planning Team
Foster Heights Neighborhood Association
United East Austin Coalition
African American Cultural Heritage District Business Association
Oakwood Neighborhood Association
OCEAN
Rosewood Neighborhood Contact Team
Friends of Chestnut Neighborhood Planning Contact Team
Kealing Neighborhood Association
Austin Independent School District

SCHOOLS:

Campbell Elementary School Kealing Middle School McCallum High School

CITY COUNCIL DATE: August 2, 2012

ACTION:

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Heather Chaffin
e-mail: heather.chaffin@austintexas.gov

PHONE: 974-2122

SUMMARY STAFF RECOMMENDATION:

The staff recommendation is to grant rezoning from Limited Retail-Neighborhood Plan (LR-NP) to Limited Retail-Mixed Use-Conditional Overlay-Neighborhood Plan (LR-MU-CO-NP) combining district. The conditional overlay would prohibit service station land use on the property. The applicant agrees to the conditional overlay.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. The proposed zoning should be consistent with the purpose statement of the district sought.

The Mixed Use (MU) zoning designation has been requested by the applicant so they can provide mixed use commercial/retail and mixed-income residential, on the subject property.

2. Zoning changes should promote an orderly and compatible relationship among land uses.

Adding the MU-CO designations to the LR-NP zoning will make the subject property more compatible with the adjacent residential areas. This will be accomplished by allowing residential (MU) development as well as commercial. The conditional overlay was designed with neighborhood input to ensure that the Chicon Corridor Mixed Use Project is consistent with the nearby 12th Street Neighborhood Conservation Combining District (NCCD).

Site Plan:

1. Site plans will be required for any new development other than single-family or duplex residential. All new site plans must comply with Subchapter E (Design Standards)

2. Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

3. The site is subject to compatibility standards. Along the East and West property lines, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

- for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- Additional design regulations will be enforced at the time a site plan is submitted.

Transportation:

1. No additional right-of-way is needed at this time.
2. According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities are existing and/or recommended along the adjoining streets as follows:

Street Name	Existing Bicycle Facilities	Recommended Bicycle Facilities
East 13 th Street	None	Bike Lane
Chicon Street	Wide Curb Lane	Bike Lane

3. Capital Metro bus service routes are available along East 13th Street and Chicon Street with the **#6 East 12th Street** local service, **#320 St. Johns** cross-town service. Also, the **Metro Rail (MLK Jr.) Station** is located within ¾ mile, east of Pleasant Valley Rd. at 1719 Alexander Blvd., which is dedicated to rail connectors or buses.

4. Street Inventory:

Name	ROW	Pavement	Classification	Daily Traffic
East 13 th Street	50'-80'	27'-30'	Collector	N/A
Chicon Street	50'	27'	Minor Arterial	4,897**

**1700 Block, N. of East 12th Street on 06/23/2003

Environmental:

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Boggy Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
3. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to

whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

4. According to flood plain maps, there is no flood plain within the project area.
5. Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Water/Wastewater:

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

EXHIBIT C

Chestnut Neighborhood Plan Contact Team • 2601 E 17th St • Austin, Texas 78702

City of Austin Housing and Finance Corporation

February 4, 2011

Re: Support for Chestnut Neighborhood Revitalization Corporation's development along Chicon St.

Board of Directors,

On behalf of the Chestnut Neighborhood Plan Contact Team, I am writing to register our support for the Chestnut Neighborhood Revitalization Corporation's development at 1212, 1301, 1301 ½, 1305, and 1309 Chicon St. and 1807 East 13th St.

Our neighborhood plan calls for development at the intersection of 12th and Chicon. This project will go a long way towards providing solutions to many of the issues that currently face this historically underserved intersection.

I urge you to approve the loan to the Chestnut Neighborhood Revitalization Corporation, so that they may move forward with the purchase of the properties.

Sincerely,

Gregory Goeken
Chair, Chestnut Neighborhood Plan Contact Team

The Rosewood Neighborhood Contact Team

1000 Glen Oaks Court, Austin, TX 78702
(512) 477-2352

January 15, 2012

To Whom It May Concern:

The Rosewood Neighborhood Contact Team supports funding of the Chestnut Neighborhood Revitalization Corporation's ("CNRC") application for funding of a project to be located along Chicon Street between E. 12th Street and E. 14th Street (called the "Chicon Corridor Project"). We believe this project is a positive and direct response to a continuing need to clean up unwanted and illegal activities carried out in the immediate area, i.e. the corner of E. 12th and Chicon. CNRC believes, and has evidence from other communities around the country, that building homes populated by owners who want to see a safe, attractive, and thriving community is the only really effective way to change the character of an area. RNCT has worked for years in other, ongoing efforts to turn this area around, so we strongly support and wholeheartedly recommend funding this project.

RNCT also expresses our support of CNRC's applications for a zoning change and neighborhood plan amendment for 1807 E. 13th Street and 1212 Chicon Street conditioned as follows:

- The City provides the funding for CNRC to purchase these properties, and
- That the uses for the properties be restricted to the attached list of uses.

We look forward to seeing this exciting new project coming to fruition.

Sincerely,

Jane Honey Rivera, CTM

Jane Rivera, Chair



February 7, 2012

Ms. Heather Chaffin, AICP
Senior Planner-- Zoning Review Division
Planning and Development Review Department
City of Austin
505 Barton Springs Road
Austin, Texas 78704

RE: Chicon Corridor ADP Funding Application
NPA-2011-0009.02 (plan amendment)
Re: C14-2011-0149.SH (zoning change)

Dear Ms. Chaffin:

This letter is to inform you and other appropriate City of Austin Departments and staff that on Wednesday, January 25th, 2012, the directors and members of the Organization of Central East Austin Neighborhoods (OCEAN) met. As part of our agenda, we discussed and voted unanimously to affirm the conditional supporting position of the Davis-Thompson Neighborhood Association (DTNA) regarding the above-referenced land use matter known also as the Chicon Corridor development proposal.

As you know, OCEAN is the official City planning contact team for Central East Austin. Our organizational bylaws, in part, require that in a situation, such as this, where a land use issue generates a request for a variance or neighborhood plan amendment, and the subject property is situated solely within the boundaries of an OCEAN neighborhood member, the OCEAN membership must vote to affirm the position of that neighborhood member regarding the land use issue.

I have attached the DTNA letter issuing its conditional support for the Chicon Corridor development proposal. It is my understanding that representatives of the developer, Chestnut Neighborhood Revitalization Corporation, discussed the terms and conditions of the letter with DTNA representatives and agreed to them. Although not required or solicited, I have also attached a letter of conditional support that a nearby OCEAN member neighborhood, Kealing Neighborhood Association, issued expressing affirmation of DTNA's position.

As both letters state, and throughout the numerous and extensive community discussions regarding the matter, it was made abundantly clear that the impacted community supports the overall proposal on the conditions that: 1) residential properties be owner-occupied; 2) land uses and prohibited uses be consistent with those provided in the NCCD applicable to E. 12th Street Corridor; and 3) no variance be granted until after full funding is secured for the Chicon Corridor proposal.

I thank you for your work on this matter. Please contact me should you have any questions or need further information from me or OCEAN.

Sincerely,
Stan

Stanton Strickland
President, Organization of Central East Austin Neighborhoods


cc: Maureen Meredith, Planning and Development Review Department - via email
Betsy Spenser – via email
Austin Housing Financing Corporation
City of Austin Neighborhood Housing and Community Development Department
Sean Garretson / Sarah Andre, Chestnut Neighborhood Revitalization Corporation - via email
Tobias Ford / Eric Jansson, Davis-Thompson neighborhood Association – via email

Davis-Thompson Neighborhood Association

January 08, 2012

Chicon Corridor ADP Funding Application
NPA-2011-0009.02 (plan amendment)
Re: C14-2011-0149.SH (zoning change)

Dear Planning Commissioners, Mayor, Mayor Pro-Tem, Councilmembers, and NHCD Staff:

We are writing to express our support for the funding of the Chestnut Neighborhood Revitalization Corporation's ("CNRC") application for funding of a homeownership and mixed use project to be located along Chicon Street in between E. 12th Street and E. 14th Street (the "Chicon Corridor Project").

We are also writing to express our conditioned support of CNRC's applications for a zoning change to CS-MU-NP and neighborhood plan amendment for 1807 E. 13th Street and 1212 Chicon Street, which are part of the Chicon Corridor Project (see above referenced case numbers). We are conditioning our support on two things: (i) that the City provides the funding for CNRC to purchase these properties and (ii) that the following are prohibited uses for this property (see attached list).

Thank you for your service to the City of Austin, and we look forward to this project becoming a reality and helping us improve our neighborhood while creating an opportunity for affordable home ownership within close proximity to Downtown.

Sincerely yours,

Davis-Thompson Neighborhood Association

cc. Stanton Strickland, President, OCEAN

Kealing Neighborhood Association

February 4, 2012
Chicon Corridor ADP Funding Application
NPA-2011-0009.02 (plan amendment)
Re: C14-2011-0149.SH (zoning change)

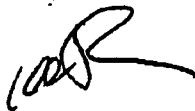
Dear Planning Commissioners, Mayor, Mayor Pro-Tem, Councilmembers, and NHCD Staff:

The Kealing Neighborhood Association (KNA) has voted to affirm the position of Davis-Thompson Neighborhood Association in support for the funding of the Chestnut Neighborhood Revitalization Corporation's ("CNRC") application for funding of a homeownership and mixed use project to be located along Chicon Street in between E. 12th Street and E. 14th Street (the "Chicon Corridor Project").

KNA is also writing to express our conditioned support of CNRC's applications for a zoning change to CS-MU-NP and neighborhood plan amendment for 1807 E. 13th Street and 1212 Chicon Street, which are part of the Chicon Corridor Project (see above referenced case numbers). We are conditioning our support on two things: (i) that the City provides the funding for CNRC to purchase these properties and (ii) that the following are prohibited uses for this property (see attached list).

Thank you for your service to the City of Austin, and we look forward to this project becoming a reality and helping us improve our neighborhood while creating an opportunity for affordable home ownership within the urban core.

Sincerely yours,



Lee Sherman
President
Kealing Neighborhood Association

cc. Stanton Strickland, President, OCEAN

Prohibited uses (consistent with East 12th Street NCCD / ORDINANCE NO. 20080228-087)

- 1. Adult-Oriented Businesses**
- 2. Automotive Rental**
- 3. Automotive Repair**
- 4. Automotive Sales**
- 5. Automotive Washing**
- 6. Bail Bond Services**
- 7. Campground**
- 8. Carriage Stable**
- 9. Cocktail Lounge**
- 10. Laundry Service**
- 11. Commercial Plasma Center**
- 12. Convenience Storage**
- 13. Drop-off recycling Collection Facility**
- 14. Drive Through Services as an accessory use to a restaurant**
- 15. Equipment Repair Services**
- 16. Equipment Sales**
- 17. Exterminating Services**
- 18. Kennels**
- 19. Liquor Sales**
- 20. Pawn Shop Services**
- 21. Outdoor Entertainment**
- 22. Outdoor Recreation**
- 23. Service Stations**
- 24. Telecommunication Tower (if sited on ground)**
- 25. Vehicle Storage**
- 26. Veterinary Services**



City of Austin

P.O. Box 1088, Austin, TX 78767
www.cityofaustin.org/housing

Neighborhood Housing and Community Development Department

Regina Copic, S.M.A.R.T. Housing Program Manager
 (512) 974-3180, Fax: (512) 974-3112, regina.copic@austintx.us

September 26, 2011

S.M.A.R.T. Housing Certification
CNRC- Chicon Corridor (id# _____)

TO WHOM IT MAY CONCERN:

The Chestnut Neighborhood Revitalization Corporation (CNRC) (development contact Sarah Andre, 698-3369 (o); 233-2269 (fax); sarah@s2adelvelopment.com) is planning to develop a 33 unit multi-family development at the intersection of Chicon Street and E. 11th Street.

NHCD certifies that the proposed construction meets the S.M.A.R.T. Housing standards at the pre-submittal stage. Since 100% of the residential units will serve households at or below 60% Median Family Income (MFI), the development will be eligible for 100% waiver of the fees listed in Exhibit A of the S.M.A.R.T. Housing Resolution adopted by the City Council. The expected fee waivers include, but are not limited to, the following fees:

Capital Recovery Fees	Concrete Permit	Mechanical Permit
Building Permit	Electrical Permit	Plumbing Permit
Site Plan Review	Subdivision Plan Review	Zoning Verification
Construction Inspection	Parkland Dedication Fee	Land Status Determination
Demolition Permit Fee	(by separate ordinance)	Building Plan Review
	Regular Zoning Fee	

Prior to issuance of building permits and starting construction, the developer must:

- ♦ Obtain a signed Conditional Approval from the Austin Energy Green Building Program stating that the plans and specifications for the proposed development meet the criteria for a Green Building Rating. (Austin Energy: Katherine Murray, 482-5351 for multi-family; Bryan Bomer, 482-5449 for single-family)
- ♦ Submit plans demonstrating compliance with accessibility and transit-oriented standards

Before a Certificate of Occupancy will be granted, the development must:

- ♦ Pass a final inspection and obtain a signed Final Approval from the Green Building Program (Separate from any other inspections required by the City of Austin or Austin Energy).
- ♦ Pass a final inspection to certify accessibility and transit-oriented standards were met.

The applicant must demonstrate compliance with the reasonably-priced standard after the completion of the units, or repay the City of Austin in full the fees waived for this S.M.A.R.T. Housing certification.

Please contact me at 974-3154 if you need additional information.

Javier V. Delgado
 Neighborhood Housing and Community Development

(cc) Laurie Shaw, Cap Metro Chris Yanez, PARID George Zapalac, PARID Robby McArthur, WWV Taps Stephen Castleberry, PARID	Maureen Meredith, PARID Danny McNabb, PARID JB Nicks, PARID Bryan Bomer, Austin Energy John McDaniel, PARID	Kath M... Austin Energy Michael S... Smith, PARID Hillary H... ID Deborah F... PARID Yolanda P... ID
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